REMARKS

Present Status of Application

Applicants thank the Examiner for the thorough examination of this application. The Office Action, however, rejected all claims 1-18. Specifically, claims 1-18 were rejected under 35 U.S.C. 102(e) as being anticipated by Ueno et al. (US 2005/0204373 A1).

Applicants have amended claims to overcome the rejection base on 35 USC 102(e). Applicants respectfully traverse the rejection and request reconsideration of all rejected claims.

Discussion of Office Action Rejections

Rejection of claims 1-18 based on 35 USC 102 (e)

The Office Action rejected claims 1-18 under 35 USC 102 (e) as being anticipated by Ueno. The Applicants respectfully traverse this rejection for at least the reasons set forth below.

Independent claim 1 (as amended) recites:

> 1. A method of determining an optimal control profile for adjusting tray-in/out speeds of a tray in an optical disk drive, comprising:
>
> *setting a plurality of control profile sets;*
>
> driving the tray for movement with a control profile among the control profile sets;
>
> measuring a plurality of tray speeds of the tray when achieving a plurality of predetermined points in the control profile;
>
> determining a plurality of comparison values according to the plurality of tray speeds and a plurality of predetermined tray speeds;
>
> checking if the control profile is acceptable or not according to the comparison values;
>
> if acceptable, setting the control profile as the optimal control profile; and

if not acceptable, *determining a next control profile among the control profile sets* according to the comparison values and going to the driving step. *(emphasis added)*

The Office Action alleged that Ueno shows a method of determining an optical control profile for adjusting tray-in/out speeds of a tray in an optical disk drive, comprising: driving the tray for movement with an initial control profile; measuring a plurality of tray speeds of the tray when achieving a plurality of predetermined points in the initial control profile; determining a plurality of comparison values according to the plurality of tray speeds and a plurality of predetermined tray speeds; and determining an optimal control profile according to the comparison values (controlling means based on a predetermined drive profile in which a speed is set differently, page 15 para [0290]).

Although Applicants do not agree, the rejection is moot in view of the amendment to claim 1. As amended, independent claim 1 defines a method of determining an optimal control profile for adjusting tray-in/out speeds of a tray in an optical disk drive, comprising: *setting a plurality of control profile sets* first, and then driving the tray for movement with a control profile among the control profile sets. After measuring and comparing a plurality of tray speeds at a plurality of predetermined points in the control profile, *a next control profile is selected from the preset control profile sets* until the control profile is acceptable.

In contrast, the Ueno reference describes a profile learning control apparatus which *comprises only one adjustable profile to drive the tray*. In the Ueno reference, FIG. 49 and FIG. 51(b) show the profile of a loading operation, and the driving time T of the drive processing number 2 is modified. The Ueno reference discloses a profile learning control operation that the drive profile is divided into several divided portions and driving processing numbers are given to the divided portions. Assume the drive processing number 5 is calculated in advance as the end position of the profile with a low damper noise. In the profile learning control operation, if a signal is received from a completion detecting switch during driving at the drive processing number 7

not at the wanted drive processing number 5, the value of the drive time T is increased. Since the drive time T corresponding to the drive processing number 2 is longer, the detecting switch will detect the completion at a small number. According to the profile learning control loop, the drive time T is modified until the detecting switch detects the completion at the drive processing number 5. (see para [0630] to [0637])

Therefore, the Ueno reference describes using only one control profile to drive the tray, and the only one control profile is directly modified by increasing or decreasing the drive time T. And, the Ueno reference fails to disclose setting a plurality of control profile sets and selecting a next control profile from the predetermined control profile sets.

Therefore, the Ueno patent fails to disclose all of the claimed elements of claim 1, and claim 1 (as amended) should be allowed at least this reason.

Moreover, since claims 2-8 depend from claim 1, they patently define over the Ueno patent for at lease the same seasons.

Furthermore, as claims 9 and 14 have similar limitations with claim 1 such like setting a plurality of control profile sets, they should be allowed at the same reasons. Moreover, since claims 10-13 and 15-18 depend from claims 9 and 14 respectively, they patently define over the Ueno patent for at lease the same seasons.

Conclusion

Accordingly, Applicants respectfully submit that claims 1-18 patently define over the cited art of record and are in condition for allowance.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Sincerely yours,

Winston Hsu Date: 09/29/2007

Winston Hsu, Patent Agent No. 41,526
P.O. BOX 506, Merrifield, VA 22116, U.S.A.
Voice Mail: 302-729-1562
Facsimile: 806-498-6673
e-mail : winstonhsu@naipo.com

Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 12 hours behind the Taiwan time, i.e. 9 AM in D.C. = 9 PM in Taiwan.)